CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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JAPAN

Draft Convention on the Prohibition of the Development, Production and Stockpiling of Chemical Weapons and on their Destruction

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,

Recognizing the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and conscious also of the contribution which the said Protocol has already made, and continue to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,

Recalling also that each State Party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, in Article IX of the Convention, affirmed the recognized objective of effective prohibition of chemical weapons and, to this end, undertook to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapon purposes, and

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Convinced that an agreement on the prohibition of chemical weapons, in the wake of the above-mentioned Convention on bacteriological (biological) and toxin weapons, will contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere, and also contribute to the realization of the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

Article I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

(a) Chemical agents of types and in quantities that have no justification for protective or other peaceful purposes;

(b) Weapons, equipment or means of delivery designed to use such agents for hostile purposes or in armed conflict.

Article II

1. Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes as soon as possible all agents, weapons, equipment and means of delivery specified in Article I, which are in its possession or under its jurisdiction or control.

2. States Parties to this Convention shall notify the International Verification Agency, defined in Article VI, of the pending destruction or diversion to peaceful purposes of the agents and others as specified under paragraph I of this Article on each such occasion.

3. The States Parties to this Convention shall, in carrying out the destruction or diversion to peaceful purposes of the agents and others as specified under paragraph 1 of this Article, invite the International Verification Agency to send observers.

4. The International Verification Agency shall forthwith communicate the notification under paragraph 2 of this Article to each State Party to this Convention.

5. The destruction or diversion to peaceful purposes of the agents and others as specified under paragraph 1 of this Article shall be reviewed at a conference or conferences of States Parties to this Convention provided for in Article XVII.

6. In implementing the provisions of paragraph 1 of this Article all necessary safety precautions shall be observed to protect populations and the environment.

Article III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, weapons, equipment or means of delivery specified in Article I.

Article IV

Notwithstanding the provisions of Articles I and II, the States Parties to this Convention may take provisional measures provided for in the Annex I of this Convention until further agreements, including those on effective verification measures, are reached.

Article V

1. Each State Party to this Convention shall take any necessary measures to ensure the fulfilment of its obligations deriving from this Convention, and notify the International Verification Agency of its national organ or organs responsible for taking such necessary measures.

2. Each State Party to this Convention shall submit to the International Verification Agency periodic reports on the state of the fulfilment of its obligations deriving from this Convention in accordance with the provisions of the Annex II.

3. The functions of the national organ referred to in paragraph 1 of this Article shall include the following:

(a) observation as well as supervision of the national activities related to the subject matter of this Convention;

(b) collection of statistical and other information thereon;

(c) preparation of periodic reports to the International Verification Agency;

(d) co-operation with the International Verification Agency such as presentation thereto of requested statistical and other documents or information, and acceptance of inspection.

Article VI

1. In order to promote the realization of the provisions of this Convention and the fulfilment of obligations assumed by the States Parties under this Convention, the States Parties to this Convention shall establish an International Verification Agency.

2. The functions of the International Verification Agency shall include the following:

(a) to analyse and evaluate periodic reports and statistical and other documents or information submitted by each State Party;

(b) to request explanation and conduct inquiries as under Article VIII;

(c) to conduct inspection as under Article IX;

(d) to send notifications and reports as under Article X;

(e) to consult and co-operate with the national organs;

(f) to make recommendations for amendments to the Annexes;

(g) to send observers as under Article II;

(h) to carry out decisions which may be made at the conference of States Parties to this Convention.

3. Details pertaining to the composition and functions of the International Verification Agency shall be provided for in Annex III.

Article VII

The States Parties to this Convention undertake to consult one another directly or through the International Verification Agency and co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, this Convention.

Article VIII

1. Any State Party to this Convention which suspects that any other State Party is acting in breach of obligations deriving from the provisions of this Convention may request, directly or through the International Verification Agency that State Party to provide explanations. This request should include a list of all the evidence that roused the suspicion.

2. Request for explanations as under paragraph 1 may also be made by the International Verification Agency, when it deems it to be necessary.

3. The State Party which is requested to provide explanations under paragraphs 1 and 2 of this Article shall comply with such request in good faith. This State Party may request the International Verification Agency to conduct an inquiry. This request should include evidence which it considers sufficient to remove suspicion.

Article IX

1. A State Party which has been requested to provide explanations as under paragraphs 1 and 2 of Article VIII may at any time invite the International Verification Agency to conduct an inspection in its territory.

2. If the State Party which is requested to provide explanation as under paragraphs 1 and 2 of Article VIII fails to provide adequate explanations, the International Verification Agency may notify such State Party of an impending inspection to be conducted in its territory.

3. The State Party which is notified by the International Verification Agency of inspection as under paragraph 2 of this Article shall make every effort to accept, as

soon as possible, such inspection in its territory. The State Party which finds it impossible to accept such inspection in its territory shall provide adequate reasons to the International Verification Agency why the State Party finds it impossible to accept the inspection.

Article X

1. The International Verification Agency shall notify each State Party to this Convention of the results of analysis and evaluation as under paragraph 2(a) of Article VI, of explanation or inquiry as under Article VIII, and of inspection as under Article IX.

2. The International Verification Agency may, when it is deemed necessary, report the contents of the notification as under paragraph 1 of this Article to the Security Council of the United Nations.

Article XI

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the Charter of the United Nations, to any Party to this Convention which so requests, if the Security Council decides, upon notification as provided for in Article X, that such Party has been exposed to danger as a result of violation of this Convention.

Article XII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, as well as under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

Article XIII

Each State Party to this Convention undertakes to continue negotiations in good faith with a view to achieving an agreement, as soon as possible, which will make it possible to eliminate the provisional measures referred to in Article IV.

Article XIV

1. The States Parties to this Convention undertake to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of chemical agents for peaceful purposes. Parties to this Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of chemistry for peaceful purposes.

2. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful chemical activities, including the international exchange of chemical agents and equipment for the processing, use or production of chemical agents for peaceful purposes in accordance with the provisions of this Convention.

Article XV

The Annexes referred to in this Convention shall constitute an integral part of this Convention.

Article XVI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to this Convention and thereafter for each remaining State Party on the date of acceptance by it.

Article XVII

1. Three years after the entry into force of this Convention, a conference of States Parties to this Convention shall be held at Geneva, Switzerland, to review the operation of this Convention, with a view to assuring that the purpose of the preamble and the provisions of this Convention are being realized. At intervals of three years thereafter, further conferences shall be held with the same objective of reviewing the operation of this Convention, if a majority of the Parties to this Convention submit a proposal to this effect to the International Verification Agency. Such review shall take into account any new scientific and technological developments relevant to this Convention.

2. The International Verification Agency shall convoke a conference of States Parties to this Convention as provided for in paragraph 1 of this Article.

Article XVIII

1. This Convention shall be of unlimited duration.

2. Each State Party to this Convention shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events, related to the subject matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to this Convention, the International Verification Agency and to the Security Council of the United Nations three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article XIX

1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of ( ), which are hereby designated the Depositary Governments.

3. This Convention shall enter into force after the deposit of the instruments of ratification by ( ) Governments, including the Governments designated as Depositaries of this Convention.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.

6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XX

This Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS whereof the undersigned, duly authorized, have signed this Convention.

Done in _____ copies at _____,
this _____ day of _____, _____.

Annex I (Alternative A)

1. States Parties to the Convention may suspend the application of Articles I and II of the Convention with regard to the chemical agents which come under the categories in the schedule to this Annex.

2. States Parties to the Convention desiring to invoke the provisions of paragraph 1 above shall so notify the Depositary Governments at the time of, or within ( ) days from, the deposit of their instruments of ratification or accession.
The Depositary Governments shall forthwith communicate these notifications to all signatory and acceding States and the International Verification Agency.

3. Any State Party to the Convention may propose amendments to the schedule to this Annex. The text of any such amendment and the reasons therefor shall be communicated to the International Verification Agency which shall communicate them to the States Parties.

4. If a proposed amendment circulated under paragraph 3 above has not been rejected by any State Party within ( ) months after it has been circulated, it shall thereupon enter into force. If however a proposed amendment is rejected by any State Party, the International Verification Agency may decide, in the light of comments received from States Parties, whether a conference shall be called to consider such amendments.

Annex I (Alternative B)

1. States Parties to the Convention may exclude from prohibition the chemical agents to which they consider it impossible to apply forthwith Articles I and II of the Convention. However, the agents listed in the schedule to this Annex shall never in any circumstances be excluded from the prohibition.

2, 3 and 4. (same as paragraphs 2, 3 and 4 of Alternative (A))

Schedule to Annex I

Annex II

Annex III